

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SUSAN PACINI and GARY FERNANDES

No. C 12-04606 SI

Plaintiffs,

**ORDER REFERRING CASE TO ADR
UNIT FOR TELEPHONIC
CONFERENCE**

v.

NATIONSTAR MORTGAGE, LLC at al.,

Defendants.

Pursuant to Civil Local Rule 16-8 and ADR Local Rule 2-3, the Court refers this foreclosure-related action to the Alternative Dispute Resolution (ADR) Unit for a telephone conference to assess this case's suitability for mediation or a settlement conference. Plaintiffs' and Defendants' counsel shall participate in a telephone conference, to be scheduled by the ADR Unit as soon as possible but no later than January 4, 2012.

Plaintiffs' and Defendants' counsel shall be prepared to discuss the following subjects:

- (1) Identification and description of claims and alleged defects in loan documents and alleged improprieties in loan servicing.
- (2) Prospects for loan modification.
- (3) Prospects for settlement.

The parties need not submit written materials to the ADR Unit for the telephone conference.

In preparation for the telephone conference, Plaintiffs shall do the following:

- (1) Review relevant loan documents and investigate the claims to determine whether they have merit.
- (2) If Plaintiffs are seeking a loan modification to resolve all or some of the claims, Plaintiffs shall prepare a current, accurate financial statement and gather all of the information and documents customarily needed to support a loan modification request. Further, Plaintiffs shall immediately notify Defendants' counsel of the request for a loan modification.
- (3) Provide counsel for Defendants with information necessary to evaluate the prospects for loan modification, in the form of a financial statement, worksheet or application customarily used by financial institutions.

In preparation for the telephone conference, counsel for Defendants shall do the following.


- (1) If Defendants are unable or unwilling to do a loan modification after receiving notice of Plaintiffs' request, counsel for Defendants shall promptly notify Plaintiffs to that effect.
- (2) Arrange for a representative of each Defendant with full settlement authority to participate in the telephone conference.

The ADR Unit will notify the parties of the date and time the telephone conference will be held.

After the telephone conference, the ADR Unit will advise the Court of its recommendation for further ADR proceedings. The hearing on the pending motion to dismiss the First Amended Complaint is VACATED. Docket No. 15. The Court will reset a hearing on that motion if the ADR Unit notifies the Court that a settlement has not been reached and no further ADR proceedings will be held.

IT IS SO ORDERED.

Dated: November 9, 2012



 SUSAN ILLSTON
 United States District Judge